IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.55 OF 2005

in

PETITION NO.283 OF 1991

Edgar Havelock D'Souza. ...Petitioner.

vs.

Romeo Anacleto D'Souza and others. ...Respondents.

Mr.G.K.Bharat, for Petitioner.

Mr.N.G.Raut, for Respondent no.1.

Mr.O.J.Monezes, for Respondent no.2.

CORAM: D.K.DESHMUKH,J.

DATED: 7th July, 2006.

P.C.:-

1. The learned Counsel appearing for respondent no.1 in whose favour the probate, for revocation of which the present petition has been filed, has been granted states that without prejudice to the contention that the allegations made in the petition are not correct, this Court may revoke the probate. The statement is accepted. In view of this statement, the petition is granted in terms of prayer clause (a).

2. The learned Counsel appearing for Respondent no.1 states that he has made statement after taking instructions from the respondent no.1 who is present in the Court.

3. As a result of this order probate petition no.283 of 1991 stands restored. The petitioner undertakes to file his caveat and affidavit within a period of four weeks from today in that petition.